

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

STANFORD G. MORRISON, on behalf of) 02:05-cv-005-GEB-KJM
himself and the general public of)
California,)
Plaintiff,)
v.) ORDER^{*}
MBNA AMERICA BANK, NA, a commercial)
bank residing in Delaware; NATIONAL)
ARBITRATION FORUM, an entity of)
unknown structure operating in)
Minnesota; WOLPOFF & ABRAMSON, an)
entity of unknown structure)
operating in Maryland,)
Defendants.)
_____)

On October 5, 2005, Defendant MBNA America, N.A.
("Defendant") filed a ". . . Petition to Confirm Arbitration Award and
to Enter Judgment Thereon . . ." which requests an order confirming an
arbitration award of \$22,969.79 rendered in favor of Defendant against
Plaintiff by the National Arbitration Forum. Defendant argues that
such an order is appropriate under the Federal Arbitration Act.
Plaintiff has filed no papers in opposition to the Petition. Since

^{*} This matter was determined to be suitable for decision
without oral argument. L.R. 78-230(h).

1 the Petition does not reveal any basis for the exercise of subject
2 matter jurisdiction, it is dismissed.

3 "[The] Federal Arbitration Act, 9 U.S.C. § 1 et seq., does
4 not confer independent jurisdiction on the federal courts." Pacific
5 Reinsurance Management Corp. v. Ohio Reinsurance Corp., 935 F.2d 1019,
6 1021 (9th Cir. 1991). "[A]pplicants who . . . seek confirmation of an
7 arbitration award under 9 U.S.C. § 9 must demonstrate independent
8 grounds of federal subject matter jurisdiction." General Atomic Co.
9 v. United Nuclear Corp., 655 F.2d 968, 969 (9th Cir. 1981).

10 The Petition states that "jurisdiction in this Court is
11 proper." (Petition at 7.) However, Defendant's Petition fails to
12 demonstrate a basis for the exercise of subject matter jurisdiction.
13 Federal question jurisdiction does not exist because Defendant has not
14 asserted a federal question relating to the Petition. See Carter v.
15 Health Net of California, Inc., 374 F.3d 830, 836 (9th Cir. 2004).
16 Diversity jurisdiction clearly does not exist because the amount in
17 controversy does not exceed \$75,000. Finally, the Court declines to
18 exercise supplemental jurisdiction over the Petition because the
19 Complaint over which the Court had original jurisdiction was dismissed
20 on October 4, 2005, and that dismissal converted to a dismissal with
21 prejudice on October 24, 2005.

22 For the reasons stated, Defendant's Petition is dismissed
23 for lack of subject matter jurisdiction. The Clerk of Court is
24 directed to close this action.

25 IT IS SO ORDERED.

26 Dated: October 26, 2005

s/ Garland E. Burrell, Jr.
GARLAND E. BURRELL, JR.
United States District Judge